

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 3:07-cr-0042-RLY-CMM
	)	
HEATHER R. PHILLIPS,	)	-12
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On June 4, 2018, a hearing was convened on the Petition for Warrant or Summons for Offender Under Supervision filed on March 22, 2018. Defendant, Heather R. Phillips, appeared in person with her appointed counsel, Gwendolyn Beitz. The government appeared by Matthew Lasher, Assistant United States Attorney, on behalf of Lauren Wheatley. U. S. Parole and Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant, Heather R. Phillips, of her rights and provided her with a copy of the petition. Defendant, Heather R. Phillips, orally waived her right to a preliminary hearing.

2. After being placed under oath, Defendant, Heather R. Phillips, admitted violation number 3. [Docket No. 699 .] Based on the admission, the Government moved to dismiss violation numbers 1-2 and 4-5; the Court granted dismissal of the afore-mentioned violation numbers.

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation**

**Number**

**Nature of Noncompliance**

3

**““The defendant shall refrain from excess use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.”**

As previously reported to the Court, Heather Phillips admitted to using methamphetamine on January 30 and February 20, 2018. She also failed to take her narcotic medication as prescribed by her doctor. This was evidenced by being short pills numerous times throughout her term of supervision. She also claimed to be taking the medication but her urinalysis were negative.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.

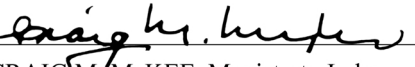
5. Parties jointly recommended 12 months and one day imprisonment, with no supervised release following imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be revoked, and that she should be sentenced to the custody of the Attorney General or his designee for a period of one year and one day with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation. The Court recommends to the Bureau of Prisons placement of defendant at a facility that can provide mental health and drug treatment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have 14 days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: June 4, 2018

  
CRAIG M. McKEE, Magistrate Judge  
United States District Court  
Southern District of Indiana

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